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August 5, 2021

Via ECF

Honorable Leda Dunn Wettre, U.S.M.J
United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Deborah Gross-Quatrone v. Bonnie Mizdol, et al.
Docket No.: 2:17-cv-13111-SDW-LDW

Dear Judge Wettre:

We represent the Defendants in the above matter. We write to the Court to provide a status letter in advance of the telephonic status conference scheduled for August 12, 2021. As of the filing of this letter, the following issues remain unresolved: (1) the filing and scheduling of Plaintiff's appeal of Your Honor's July 26, 2021 Order; (2) Plaintiff's deposition; and (3) Defendants' request for assistance in clawing back documents mistakenly produced by Dr. Christine Ghilain, Ph.D.

In Your Honor's June 7, 2021, Order you required Plaintiff to appear for deposition by July 30, 2021. (ECF No. 112). Plaintiff was scheduled to be deposed on July 28, 2021. On July 26, 2021, the parties appeared telephonically before Your Honor on a discovery dispute in which Plaintiff was seeking to adjourn her deposition in this matter in order to obtain and review the report by Dr. Christine Ghilain, which was being sought in the matter pending in New Jersey Superior Court, Mercer County. Your Honor denied Plaintiff's request but advised adjustments could be made to the schedule to permit the appeal of Your Honor's ruling to be heard in advance of Plaintiff's deposition. (ECF No.136). Plaintiff's counsel received the transcript of Your Honor's ruling on July 29, 2021, but has not yet filed an appeal.

The parties attempted to reach an agreement as to the scheduling of the appeal and Plaintiff's deposition, but have been unsuccessful in doing so. Defendants previously proposed a briefing schedule that would have had all briefs completed by August 9, 2021. Given the understanding that Plaintiff's counsel would seek an adjournment of Plaintiff's deposition on August 16, 2021 if there was not yet a resolution of the appeal, Defendants advised we would move Acting Administrative Director of the New Jersey Courts Glenn A. Grant's deposition scheduled for August 17, 2021. We further advised that we would provide new dates shortly. Plaintiff objected to moving Judge Grant's deposition.

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Plaintiff's counsel now states that they will not file their appeal until Monday, August 9, 2021. Therefore, Defendants propose the following scheduling order: Plaintiff file the appeal by August 9, 2021 and Defendants respond by August 11, 2021. Defendants submit that no reply is necessary given the straightforward nature of the issues. Plaintiff's deposition will remain scheduled for August 16, 2021.

Judge Grant's deposition will be rescheduled. Judge Grant should not be required to hold the date when it is unclear if Plaintiff will actually be deposed on August 16, 2021. The dates for the depositions of Assignment Judge Bonnie Mizdol, Trial Court Administrator Laura Simolondi, and Former Family Division Manager Diana Moskal will remain in place. However, Defendants will not produce any defense witnesses for deposition until the Plaintiff has been deposed pursuant to the Court's June 7, 2021 Order.

In addition, Defendants submitted a letter to the Court on July 20, 2021, to which Plaintiff responded on July 21, 2021, requesting the Court's assistance and/or leave to file a motion to effectuate the claw back of documents which were mistakenly produced by Dr. Ghilain. (ECF Nos. 129 and 130). This issue remains unresolved.

Thus, at the status conference, we respectfully request that the following issues be addressed:

- The scheduling of Plaintiff's deposition; and
- Defendants' request for the Court's assistance in clawing back documents issued by Dr. Christine Ghilain.

We thank Your Honor for your time and attention to this matter.

Respectfully submitted,
BROWN & CONNERY, LLP

s/ Kathleen E. Dohn
Kathleen E. Dohn

cc: Ralph Ferrara, Esquire (*via ECF and Electronic Mail*)
Kevin Koch, Esquire (*via ECF and Electronic Mail*)
Andrew Dwyer, Esquire (*via ECF and Electronic Mail*)